IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.196 OF 2003

Sesa Goa Limited
Sesa Ghor, 20EDC Complex,
Patto, Panaji, Goa ... PETITIONER

Versus

Shri Shiva Bablo Kamat,
aged 66 years, married,
agriculturist, residing at
Gaonkarwada, Virdi,
V.P. Sankhalim-Virdi-t Desai;
Harvalem,
Bicholim Taluka, Goa ... RESPONDENT.

Shri R.G. Ramani, Advocate for the Petitioner.

Shri S.D. Lotlikar, Sr. Advocate, with Shri A.D. Bhobe, Advocate, for the Respondent.

CORAM : F.I. REBELLO,J.

DATED : JUNE 6, 2003.

ORAL JUDGMENT

Rule. Respondent waives service. Heard forthwith.

2. Issues were framed on 30-7-1998 and 13-6-2001. Plaintiff has closed his evidence. Evidence of Defendant is going on. Defendants, who are Petitioners herein, at this stage on 12-3-2003, applied to produce documents which they had not relied upon in the list of documents nor produced at the stage of production of documents, nor put to the witnesses examined on behalf of the Plaintiffs. In

the application also no cause has been shown as to why the documents could not have been produced earlier.

3. By the impugned Order the trial Court had rejected the application on the ground that no cause has been shown. It is this Order which is the subject-matter of the present challenge.

4. After hearing learned Counsel, in my opinion, really speaking, such an Order would not be revisable under Section 115 and normally this Court would not have exercised its extraordinary jurisdiction in such cases. However, considering the documents at Serial Nos. 1 to 4, no prejudice will be occasioned to the Plaintiffs. Similarly, the document at Serial No.5 is from a public Authority merely to show which cadastral Survey numbers correspond to the new Survey numbers. The document at Serial No.6 which is sought to be produced is a geological plan of Sanquelim Group of Mines as approved by Regional Controller of Mines. In my opinion, this has nothing to do with the issues that have been framed in the suit. Document No.7 is a private document of plan prepared by the Defendant itself. The Plaintiffs had no opportunity to lead evidence on that document.

5. In the light of the above, I pass the following Order:-

The impugned Order dated 24th March, 2003 is partly set aside. Application dated 12th March, 2003 to produce documents at Serial Nos.1 to 5 is allowed. Documents at Serial Nos. 6 and 7 are disallowed. Rule accordingly. No order as to costs.

F.I. REBELLO,J.

ac.